

The Chair called the meeting to order at 7:00 pm.

I. Roll Call

Present: Chair Joseph Cardello, Ed Magill, John Flaherty, Bruce Santa Anna, Dr. Lucien Benoit, John Czyzewicz, John O'Donnell.
Also Present: Town Planner Michael Phillips, Assistant Solicitor Bob Rossi

II. Approval of Minutes – August 16, September 6, & 20, 2007

Mr. Santa Anna made a motion to approve the minutes of August 16, 2007. Mr. O'Donnell seconded the motion, with all in favor.

Dr. Benoit made a motion to approve the minutes of September 6, 2007, as corrected. Mr. Czyzewicz seconded the motion, with all in favor.

Dr. Benoit made a motion to approve the minutes of September 20, 2007, as corrected. Mr. Czyzewicz seconded the motion, with all in favor.

III. Ordinance Review

a. Planned Corporate –Floating Zone

The Board discussed the proposed Planned Corporate/Floater Zone. One of the issues discussed was which town body would have the authority to apply the zone. Mr. Phillips stated that it made sense for the Planning Board to have authority to apply the zone; otherwise, it would be the same as a current zoning change. The point of having a planned corporate zone as a floating zone is to make it a more efficient and predictable process to apply the zone.

The Chair stated that he thinks the requirement for the zone to be within ½ mile from a limited access highway is too restrictive and should be expanded to a ¾ mile area. He asked Mr. Phillips to check to see if expanding the area would be beneficial. Mr. Flaherty and Dr. Benoit agreed that this is a good idea.

The Board also discussed the design parameters of the proposed zone. The list of parameters is written to achieve very nice looking developments in all aspects, including landscaping, ingress/egress, signs, sidewalks, pedestrian access, look of buildings and loading docks, and storm water management. They also discussed that the usage of the buildings in zone would be focused on clean industrial, no dirty manufacturing, and retail being kept to ancillary-type retail. This aspect will need to be ironed out as the actual ordinance is written.

Mr. Flaherty stated that he likes the idea of a planned corporate zone and feels that it might meet less opposition than a zoning change. He

would like to see some information on how it fits in with the town's Comprehensive Plan, as well as statewide information from the EDC. He is concerned with the requirement in the proposal about distance from water/sewer. Mr. Flaherty stated that the ordinance might need to include a special use permit for shared private water or sewer. The Chair stated that he does not want the ordinance to state that the town would pay for the water and sewer, but did not oppose working with the developer to obtain these utilities.

Town resident Mike Rapko addressed the Board. He is concerned that the proposed ordinance seems to target the Whortleberry Hill area of town. He stated that during the Comprehensive Plan review, the Town Council was very specific about keeping the area residential. Mr. Rapko thinks the Town Council should have the authority to change the zone, not this ordinance. He was also concerned that the ordinance was being rushed through by the Planning Board. Mr. Flaherty explained that this is a discussion and that the ordinance is not yet written. After the ordinance is written and reviewed, it will go to the Town Council for adoption, so there is plenty of time and opportunity in the future for public comment on the proposed ordinance.

Scott Gibbs addressed the Board and spoke to Mr. Rapko's concerns, stating that document being discussed is a starting point for dialogue. The point is to get a sign from the Planning Board that they conceptually agree with such a zone. If so, they will work on the

details. He explained that the proposed planned corporate zone is not targeting a specific area, such as Whortleberry Hill. The 146 corridor is prime for redevelopment, but the Town Council is concerned with the broad terms in industrial zones. This ordinance needs a lot of definition to give everyone a comfort level that the ordinance satisfies the public's intent. Mr. Phillips stated that the town has hired planning consultants. He will meet with them to address concerns and comments discussed and report back to the Board.

b. Sign Ordinance

The Board discussed the proposed changes to the sign ordinance. At a previous meeting, the Board had asked for a better visual picture of what signs of specific sizes looked like on buildings. Mr. Phillips went out to some local businesses, as well as some businesses at Smithfield Crossings, and submitted pictures taken from access roads to the Board. Based on these signs, Mr. Phillips stated that in general, 3-4 ft. letter heights for signs at Dowling Village should be sufficient. Mr. Magill questioned why Dowling Village should have a special sign ordinance, when there is already a sign ordinance in place for the town. Mr. Phillips stated that the Comprehensive Plan created a special zone for Dowling Village, so a special sign ordinance may be necessary. The Dowling Village development is different from any other area in town, so it may not be served well by the existing ordinance. Mr. Rossi stated that he is concerned with naming Dowling Village specifically in the ordinance and thinks that

the ordinance needs to apply to other areas in town, not just one single development. Mr. Phillips stated that they are trying to make the ordinance appropriate to the district. The developer has appeared before the Zoning Board about the sign for one building. At that time (about a year ago), the Zoning Board stated that they were anticipating a new sign ordinance being adopted by the town.

The Board had a lengthy discussion on sign sizes and specific signs in the town (Super Stop & Shop, Brooks Pharmacy). There were issues raised about the point of measurement from the road to the front of the building. The Chair feels this needs to be defined, so every business is using the same calculations. They discussed the ratio of building frontage to square footage of sign. They also discussed putting a cap on the total square footage of signage per building. The Chair also stated that he would like each business to be limited to one lighted sign.

Mr. Flaherty stated that he would like more time to research the ordinances of other towns and perhaps find a model that they like, then apply it in North Smithfield. He stated that he does not think Smithfield Crossings is a good example of what they should aspire to. Other members stated that they believe that the current ordinance provides the opportunity for businesses to go to the Zoning Board for variances, and since this has worked in the past, they feel it is not worth changing at this time. The Chair stated that they are trying to make the process easier, so businesses do not have to go before the

Zoning Board for each sign.

Both Mr. Phillips and the Chair stated their desire that the Board move fairly quickly to take action on this proposed ordinance. They have discussed the proposed changes at several meetings over the past year. Mr. O'Donnell stated that he is concerned that the ordinance change has the potential for spillover all along 146A. He wants to be cautious in adopting a new ordinance.

Mr. Phillips stated that he would look into a few more towns' sign ordinance, but expressed that he doesn't feel they will be much different than what he has found already. Most towns have a ratio of 1-2 square feet of sign/1 foot of building frontage. Many have no distance setbacks. He will try to find some information with regard to distance setbacks for the next meeting.

c. Ordinance Amendments – Onsite Wastewater Treatment Systems

Mr. Phillips addressed issues brought up at the previous meeting regarding changes to the OWTS ordinance. The Board wanted to add language allowing the Planning Board the authority to grant waivers for an OWTS that does not meet dimensional requirements in section 6.12.2, subsections 1 & 2.

Mr. Flaherty asked that language be added to section 6.2.1, to state that the structure and impervious setback not be applied to areas in a

town-designated growth center. He does not want to place too many restrictions, which may discourage growth in these areas.

Mr. Santa Anna asked if there was a way to include protection for groundwater due to over-watering and over-fertilizing lawns. Mr. Phillips stated that it can be suggested, but that it would be very hard to enforce. Mike Rapko, representing the Conservation Commission, stated that this issue could be addressed by creating larger buffers.

The Board also had concerns that the language in section 6.12.2 implies that homeowners would be required to replace existing systems with advanced systems (i.e. bottomless sand filters). They stated that this requirement would require the homeowner to install a \$25,000 system, rather than an \$8,000 system. The Board would like the language clarified to state that systems must meet the performance standards and approval by DEM. Mr. Magill suggested taking out subsections G, H, & I from section 6.12.2. The Board also discussed grandfathering approved plans and suggested language to clarify this. Mr. Phillips suggested changing the wording to “vested approval.” Mr. Rossi will research appropriate language to clarify these issues.

IV. Elizabeth Avenue Update

The Board discussed the deficiencies in paving and grading of Elizabeth Avenue and Saranac Street. Because the developer, Vincent Mesolella, has not yet taken steps to correct these deficiencies, the Chair sent a letter to him explaining that the bond posted for Phase II of the development would be called in so that the town can hire a contractor to complete the work. The letter serves as required notice under the ordinance. The planner expects a response from the developer by November 1, 2007.

Mr. Flaherty made a motion to place an update on the Branch Village initiative on the agenda. Mr. Santa Anna seconded the motion, with all in favor. Mr. Flaherty told the Board the Branch Village Revitalization Task Force has finalized its vision statement and has scheduled the following upcoming meetings: November 5 – Joint Public Hearing of the Town Council and Planning Board, 7:00 p.m., Kendall Dean School, November 8 – Placeholder meeting of the Branch Village Task Force to consider amendments following the Public Hearing, 7:00 p.m., Kendall Dean School, November 15 – Planning Board meeting to consider forwarding an opinion to the Town Council as required by statute, 7:00 p.m., Kendall Dean School, and November 19 – Town Council to consider adoption of Vision Statement and Action Plan to guide future development of Branch Village, 7:00 p.m., Kendall Dean School.

V. Adjournment

Mr. Magill made a motion to adjourn at 9:55 pm. Mr. Santa Anna seconded the motion, with all in favor.

Respectfully submitted,

Angela Pugliese

Planning Board Recording Secretary